

**COUNTY COUNCIL OF FREDERICK COUNTY
WORKSHOP MINUTES
Tuesday, February 23, 2016**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the workshop.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office, and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The workshop began with a moment of silence followed by the Pledge of Allegiance.

Bill No. 16-03 – Amend Chapter 1-19 of the Frederick County Code – Medical Cannabis Grower

Council Member Keegan-Ayer reviewed the proposed bill with the Council. She noted the recommendations from the Frederick County Planning Commission.

(A public hearing on the proposed bill will occur on Tuesday, March 8, 2016, at 7:00 p.m.)

Lease Buy Back Task Force Proposal – Council Members Tony Chmelik and Kirby Delauter

Council Member Chmelik briefed the Council on a lease buy back proposal as a viable option to county funding construction of schools. He noted he and Council Member Delauter had discussed the proposal with Dr. Teresa Alban, Superintendent, Frederick County Public Schools, and also with County Executive Jan Gardner.

Council Member Chmelik received unanimous support from the Council to send a letter to the County Executive requesting the creation of a task force to look into the lease buy back option for building schools in the out years of the Capital Improvements Program budget.

County Council Rules of Procedure

The Council reviewed the Rules of Procedure and took action on the following amendments.

Boldface
Strikethrough

New language added to existing Rules of Procedure.
Language deleted from existing Rules of Procedure.

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Amendment #1:

Council Member Chmelik moved to approve the following change to Chapter 1, Section 1-1 - Definitions - (h). Council Member Fitzwater seconded the motion that passed 6-1 with Council Member Keegan-Ayer opposed.

- (h) "President" means President of the Council or the Vice-President of the Council **or the Treasurer of the Council** or other member while presiding in the President's absence.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Amendment #2:

Council Member Chmelik moved to approve the following change to Chapter 1, Section 1-5 - Council President and Vice-President and Treasurer - (a). Council Member Fitzwater seconded the motion that passed 4-3 with Council Members Otis, Keegan-Ayer, and Donald opposed.

- (a) **At the first scheduled meeting of the Council in December following an election, and every two years thereafter, the members of the Council shall elect a President and a Vice-President, from among the Council members and address such other matters they require.**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

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Amendment #3:

Council Member Chmelik moved to approve the following change to Chapter 1, Section 1-5 - Council President and Vice-President and Treasurer - (b). Council Member Fitzwater seconded the motion that passed 4-3 with Council Members Otis, Keegan-Ayer, and Donald opposed.

- (b) With the affirmative vote of at least four Council members a President shall be elected from the Council membership.**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Amendment #4:

Council Member Chmelik moved to approve the following change to Chapter 1, Section 1-5 - Council President and Vice-President and Treasurer - (c). Council Member Fitzwater seconded the motion that passed 4-3 with Council Members Otis, Keegan-Ayer, and Donald opposed.

- (c) With the affirmative vote of at least four Council members a Vice-President shall be elected from the Council membership.**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

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Amendment #5:

Council Member Chmelik moved to approve the following change to Chapter 1, Section 1-5 - Council President and Vice-President and Treasurer - (d). Council Member Fitzwater seconded the motion that passed 7-0.

- (d) With the affirmative vote of at least four Council members a Treasurer shall be elected from the Council membership.**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Amendment #6:

Council Member Chmelik moved to approve the following change to Chapter 1, Section 1-5 - Council President and Vice-President and Treasurer - (f). Council Member Fitzwater seconded the motion that passed 7-0.

- (f) The President and Vice-President and the Treasurer shall serve during their term of office or until a majority of the Council shall choose to elect new officers.**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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Amendment #7:

*Council Member Chmelik moved to approve the following change to Chapter 1, Section 1-5 - Council President and Vice-President and Treasurer - (g). Council Member Fitzwater seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald and Fitzwater opposed.*

- (g) If the President, Vice President or Treasurer is found to have violated the Frederick County Ethics Law by the Frederick County Ethics Commission, the officer shall be deemed to have been removed from their leadership office. In the event the removed officer files an appeal of the Ethics Commission finding, their removal would be stayed pending a final determination from the courts.**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Amendment #8:

Council Member Fitzwater moved to approve the following change to Chapter 3, Section 3-1 - Meeting Agendas - (c). Council Member Chmelik seconded the motion that passed 7-0.

- (c) Each agenda is to be distributed to the Council members no later than seven (7) calendar days preceding the meeting for which it is relevant. After distribution, the President may amend an agenda. Council members may make requests to amend the agenda within ~~48 hours~~ **two business days** of receipt. In the event the President amends the agenda, the President will prepare and distribute a replacement agenda.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Amendment #9:

Council Member Fitzwater moved to approve the following change to Chapter 3, Section 3-2 - Distribution Material. Council Member Chmelik seconded the motion that passed 5-2 with Council Members Keegan-Ayer and Donald opposed.

~~Before the start of each meeting~~ **Council members and/or staff must submit bills and supporting documentation to the Council Chief of Staff and President no later than one week prior to the meeting.** The President will cause to be provided to Council members in electronic format all bills, resolutions, reports, and motions that are to be discussed no later than five (5) business days preceding the meeting.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Amendment #10:

Council Member Fitzwater moved to approve the following changes to Chapter 3, Section 3-4 - Bill and Amendment Preparation - (a), (b), and (c). Council Member Chmelik seconded the motion.

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- (a) The applicable staff of the County Executive shall prepare and draft a bill for the Executive in coordination with the County Attorney.
- ~~(c)~~(b) Legislation introduced by one or more Council members shall be drafted in coordination with the County Attorney. ~~Bills drafted for the Council to be introduced by one or more Council members shall be forwarded to the County Executive prior to the bill's introduction.~~ **Upon written support from at least three other Council members, a Council member may request legislation to be drafted by the County Attorney or appropriate staff.**

Council Member Fitzwater amended the motion, with the approval of Council Member Chmelik, to approve (a) as written; strike (b); and exclude the strikeout language from (c). The motion passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Amendment #11:

Council Member Fitzwater moved to approve the following change to combine Chapter 3, Section 3-5 - Bill and Amendment Preparation with Chapter 3, Section 3-4 - Bill and Amendment Preparation. Council Member Chmelik seconded the motion that passed 7-0.

3-5 Bill and Amendment Preparation

~~A Bill drafted by the County Executive shall be brought to a work session of the County Council prior to its introduction.~~

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Amendment #12:

Council Member Fitzwater moved to approve the following change to Chapter 4, Section 4-1 - Voting by Roll Call. Council Member Shreve seconded the motion that passed 7-0.

Voting is to be by roll call, except on procedural motions, consent agenda items, and adoption of minutes. The ayes and nays must be recorded in the Council journal. The order of voting shall be in the numerical order of Council District, with the at-large Council members then voting next in alphabetical order; except that the presiding officer will vote last.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Amendment #13:

Council Member Keegan-Ayer moved to approve the following changes to Chapter 4, Section 4-4 - Scheduling Bills for Public Hearing - (a) and (b). Council Member Chmelik seconded the motion that passed 7-0.

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- (a) Except as provided in this Rule, if the President has submitted a bill to a County agency, board or commission for review, ~~a public hearing on the bill cannot be convened until the President receives a report from the County agency, board or commission and causes the report to be distributed to the Council members~~ **it is requested that the County agency, board or commission conduct its review and report any findings or recommendations back to the County Council on or before the Council's public hearing.** Copies of any such reports shall be available to the public.
- (b) If pursuant to this Rule an entity fails to report on a bill submitted to it, a **Council** public hearing on the bill may be commenced ~~by an affirmative vote of at least three members, even in the absence of the report.~~ **regardless.**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Amendment #14:

Council Member Fitzwater moved to approve the following change to Chapter 4, Section 4-5 - Fiscal Note. Council Member Chmelik seconded the motion.

The Division of Finance must prepare a fiscal note on the effects a bill may impose on the revenues, expenditures, liabilities, or assets of the County. Such fiscal note is to be submitted to the President and distributed to the members of the Council, County Executive, and made available to members of the public prior to the bill's public hearing. **One or more Council members may request a fiscal note before a bill is introduced in order to assess its feasibility.**

Council Member Fitzwater amended the original motion, with the approval of Council Member Chmelik, as follows. The amended motion passed 7-0.

The Division of Finance must prepare a fiscal note on the effects a bill may impose on the revenues, expenditures, liabilities, or assets of the County. Such fiscal note is to be submitted to the President and distributed to the members of the Council, County Executive, and made available to members of the public

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prior to the bill's public hearing. With majority support, a bill sponsor may request a fiscal note before a bill is introduced in order to assess its feasibility.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Amendment #15:

Council Member Fitzwater moved to approve the change to Chapter 4, Section 4-6 - Conduct of Public Hearings - (a). Council Member Chmelik seconded the motion that passed 7-0.

- (a) Upon convening a public hearing, the presiding officer is to give a brief explanation of the purpose of the hearing. For bills being introduced on behalf of the County Executive, a staff report will be presented at the start of the public hearing. For bills being introduced by one or more Council members, those members may give remarks or make a presentation at the start of the public hearing with assistance from the County Attorney or applicable staff who coordinated and/or drafted the bill.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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Amendment #16:

Council Member Chmelik moved to have a discussion for clarification regarding Chapter 4, Section 4-6 - Conduct of Public Hearing (e),(f), and (g). Council Member Shreve seconded the motion that passed 4-3 with Council Members Otis, Keegan-Ayer, and Donald opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Amendment #17:

Council Member Fitzwater moved to strike in its entirety Chapter 5 - Legislative Process. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Council Member Fitzwater withdrew her amendment to Chapter 5, Section 5-1, Confirmation - (a).

Adjourn

The meeting adjourned at 7:45 p.m.

Bud Otis, President
County Council